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SOMERSET CONFERENCE ROOM 6TH FLOOR

PUBLIC SESSION MINUTES

JANUARY 5, 2016

The January meeting of the New Jersey Board of Respiratory Care was convened in accordance with its notice to the Lieutenant Governor, The Bergen Record, the Trenton Times, the Courier Post and the Star Ledger and was conducted in accordance with the provisions of the Open Public Meetings Act.

Chairman Capek convened the meeting at 10:00 a.m. A roll call was taken and the following attendance was recorded for these minutes.

PRESENT: Kenneth Capek
James Brophy
Michael G. Brown
Edwin Frost
Janet Castronovo

EXCUSED: Christopher Lange

Also in attendance: Virginia Class-Matthews, Deputy Attorney General; Dorcas K. O'Neal, Executive Director and Bernadette Augustus, Staff.

Public attendance:

Joseph Goss

APPROVAL OF MINUTES

- a. The Board reviewed the Public Minutes of November 5, 2015. **On a motion by James Brophy, seconded by Janet Castronovo, the Board unanimously approved the Public Session Minutes as redacted.**

II. OLD BUSINESS/REAGENDIZED

- a. **Request for Proposal (RFP) Continuing Education Audit- Francine Widrich was to present the requirements. Reagendized.**

III. NEW BUSINESS

- a. The Board reviewed a memorandum from Darlene Kane, Budget Officer, regarding the State Board of Respiratory Care- Proposed Credit for Fiscal Year 2016 renewal, as informational.
- b. The Board reviewed the Division of Law Billing for the 1st quarter of Fiscal Year 2016, from Darlene Kane Budget Officer, as informational.
- c. The Board reviewed an e-mail from Howard Pine, Deputy Director, advising that Board members must abide by the rules when it comes to travel submission, as informational.
- d. The Board reviewed an e-mail from Anthony Rubinaccio, RPH, Executive Director of the Board of Pharmacy, inquiring as to whether a pharmacy has to be licensed to sell Nebulizer equipment.

The Board determined that a Pharmacy does not need a respiratory license. A pharmacy may sell Nebulizer and give instructions without a respiratory care therapist.

- e. The Board reviewed an e-mail from Rachel Morales, MS, RRT, AE-C, CTTS., St. Joseph's Healthcare System, Paterson, New Jersey, advising that she started an outpatient smoking cessation program at St. Joseph's Hospital, March 2015 and that the hospital has determined that it is not within the scope of practice for Registered Respiratory Therapists to perform assessment for a smoking cessation program.

The Board unanimously determined that a letter be sent to Ms. Morales, advising her that the Board of Respiratory Care has jurisdiction over individuals licensed by the Board, however, it does not have jurisdiction of hospitals which fall under the jurisdiction of the Department of Health.

*As to the Scope of practice for a respiratory care practitioner, pursuant to **N.J.A.C.13:44F-3.1(a)8 and 12, and (b) 1,2, and 3,** for the purposes of treating, managing, controlling and caring for patients with deficiencies and abnormalities of the cardiac and pulmonary system, a respiratory care practitioner may perform the following duties under the direction or supervision of a physician:*

- 8) *Cardio and/or pulmonary rehabilitation;*
- 12) *Testing techniques to assist in diagnosis, monitoring, treatment and research including, but limited to:*
 - I) Measurement of cardiopulmonary volumes, pressure and flow; and*
 - ii) Drawing and analyzing of sampling of arterial, capillary and venous blood.*

(b) *For the purposes of this Subchapter, “Under the direction of a physician” means that respiratory care shall not be rendered unless one of the following conditions is met:*

- 1) *The licensee has obtained a written order or prescription from a plenary licensed physician or from such other health care practitioner authorized by law to prescribe or order respiratory care;*
- 2) *The licensee has documented the physician’s clearance for treatment of the patient, which may include the physician’s countersigning of the respiratory care practitioner’s proposed plan of treatment; or*
- 3) *The licensee has received a verbal order or prescription, in person or by telephone. In an outpatient setting, the verbal order or prescription shall be memorialized by the prescriber in writing within two weeks. In an inpatient setting, the verbal order or prescription shall be memorialized by the prescriber within 24 hours.*

For a complete listing under **Subchapter 3, Authorized Practice**, you may log onto: www.njconsumeraffairs.gov. Click on Boards and Committees, go to Board of Respiratory Care, Subchapter 3, Authorized Practice.

For information regarding approved protocols at St. Joseph Hospital, you may want to direct your inquiry to the Medical Director of the hospital. **Querist will be so advised.**

IV. LEGISLATION/REGULATIONS

a. **The Board reviewed ASSEMBLY BILL, No. 4702** - Provides that if minor appears to have been sexually assaulted, health care professionals in addition to physicians may authorize forensic sexual assault examination and urgent medical care without parental consent. The Board unanimously approved Senate Bill, No. 4702. **The Board reviewed this matter as informational.**

b. **The Board reviewed the following BILLS as informational:**

BILL SIGNED INTO LAW BY THE GOVERNOR. (No text available at this time)

- I. **A1662** - Authorizes the court to order the deletion, sealing, labeling, or correction of certain personal information in government records involving certain victims of identity theft. 11/09/2015, signed by the Governor P.L.2015, c.126.
- ii. **A2073** - Exempts certain offers and sales of securities from registration. 11/09/2015, signed by the Governor P.L.2015, c.128.
- iii. **A2477** - Establishes requirements for pharmacists to dispense biological products. 11/09/2015, signed by the Governor P.L.2015, c.130.

- iv. **A2714** - Requires continuing education for licensed practicing psychologist. 11/09/2015, signed by the Governor P.L.2015, 131.
- v. **A4089** - Revises certain provisions of dental service corporation law. 11/09/2015, signed by the Governor P.L.2015, c.148.
- vi. **A4143** - Permits holders of certain alcoholic beverage licenses to be issued amusement game license and updates definition of recognized amusement park. **11/09/2015, signed by the Governor P.L.2015, c.149.**
- vii. **A4133** - Exempts certain activities of alarm business from statutes governing practice of locksmithing. 11/09/2015, signed by the Governor P.L.2015,c.154.

VI. PUBLIC COMMENTS

None.

VII. OTHER BUSINESS

None.

There being no other business to come before the Board in Public Session, on a motion by James Brophy, seconded by Michael G. Brown, the meeting was adjourned and the Board moved into Executive Session for the purpose of receiving counsel, to review five items of old business and two items of new business.

The Board reconvened in Public Session. The following disciplinary action was taken and is being reported in Public Session.

- a. **I/M/O BONNIE STEVENS-Filed Consent Order of Voluntary Surrender of Licensure, dated December 1, 2015.** Respondent was discharged from Preakness Health Care, Wayne, New Jersey, due to allegations of professional misconduct which relates adversely to patient care or safety in that she was charged with multiple violations of performance standards with regard to patient care during the period of April 15, 2015 and April 29, 2015. Respondent did not wish to appear before the Board or to contest of the allegations. Respondent voluntarily surrender her license permanently and shall not apply for reinstatement.

The next scheduled meeting is February 2, 2016. There being no other business to come before the Board, on a motion by Janet Castronovo, seconded by Edwin Frost, the Board adjourned the meeting at 12:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director

